

SA 3426. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 3378 proposed by Mr. GRASSLEY (for himself, Mr. LEAHY, Mr. WHITEHOUSE, Mr. PORTMAN, Ms. KLOBUCHAR, Ms. AYOTTE, Mr. GRAHAM, Mr. COONS, Mr. CORNYN, and Mr. DURBIN) to the bill S. 524, *supra*; which was ordered to lie on the table.

SA 3427. Mr. MCCONNELL (for Mrs. FISCHER (for herself, Mr. DAINES, Mr. BOOKER, Mr. PETERS, Mrs. BOXER, and Mrs. FEINSTEIN)) proposed an amendment to the bill S. 2276, to amend title 49, United States Code, to provide enhanced safety in pipeline transportation, and for other purposes.

#### TEXT OF AMENDMENTS

**SA 3417.** Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 524, to authorize the Attorney General to award grants to address the national epidemics of prescription opioid abuse and heroin use; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

**SEC. 705. COMPTROLLER GENERAL OF THE UNITED STATES STUDY ON VETERANS TREATMENT COURTS AND VETERANS JUSTICE OUTREACH PROGRAM.**

(a) **STUDY AND REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) complete a study on the effectiveness of Veterans Treatment Courts and the Veterans Justice Outreach Program of the Department of Veterans Affairs; and

(2) submit to Congress a report on the findings of the Comptroller General with respect to the study completed under paragraph (1).

(b) **ELEMENTS.**—As part of the study required by subsection (a), the Comptroller General shall assess the following:

(1) The extent to which Veterans Treatment Courts—

(A) provide a benefit to veterans with a mental illness or substance abuse problem; and

(B) provide timely access to services furnished by the Veterans Health Administration.

(2) The number of Veterans Treatment Courts in operation.

(3) The number of Veterans Treatment Courts in the process of being established.

(4) What is known about the effectiveness of Veterans Treatment Courts and what data are reported to the Federal Government about the use and performance of such courts.

(5) The number of veterans assigned to each Veterans Justice Outreach Specialist that is assigned to a Veterans Treatment Court.

(6) The method by which the Secretary of Veterans Affairs allocates the number and location of Veterans Justice Outreach Specialists and whether such method adequately ensures appropriate representation in Veterans Treatment Courts.

(7) To what extent would having additional Veterans Justice Outreach Specialists—

(A) provide veterans with better access to services furnished by the Veterans Health Administration; and

(B) allow for the establishment of additional Veterans Treatment Courts.

**SA 3418.** Mr. FRANKEN (for himself, Mr. BROWN, Mr. DURBIN, and Mr. MARKEY) submitted an amendment intended to be proposed by him to the bill S. 524, to authorize the Attorney

General to award grants to address the national epidemics of prescription opioid abuse and heroin use; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. —. REMOVAL OF INMATE LIMITATION ON BENEFITS UNDER MEDICAID.**

(a) **IN GENERAL.**—The subdivision (A) of section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) that follows paragraph (29) is amended by inserting “or in custody pending disposition of charges” after “patient in a medical institution”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the first day of the first calendar quarter beginning more than 60 days after the date of the enactment of this Act and shall apply to items and services furnished for periods beginning on or after such date.

**SA 3419.** Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 524, to authorize the Attorney General to award grants to address the national epidemics of prescription opioid abuse and heroin use; which was ordered to lie on the table; as follows:

In section 101, strike subsection (c)(5) and all that follows through the end of the section, and insert the following:

(5) representatives of hospitals;

(6) representatives of—

(A) pain management professional organizations;

(B) the mental health treatment community;

(C) the addiction treatment community;

(D) pain advocacy groups;

(E) groups with expertise around overdose reversal;

(F) State agencies that manage State prescription drug monitoring programs; and

(G) State agencies that administer grants under subpart II of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x–21 et seq.); and

(7) other stakeholders, as the Secretary determines appropriate.

(d) **DUTIES.**—The task force shall—

(1) not later than 180 days after the date on which the task force is convened under subsection (b), review, modify, and update, as appropriate, best practices for pain management (including chronic and acute pain) and prescribing pain medication, taking into consideration—

(A) existing pain management research;

(B) recommendations from relevant conferences and existing relevant evidence-based guidelines;

(C) ongoing efforts at the State and local levels and by medical professional organizations to develop improved pain management strategies, including consideration of alternatives to opioids to reduce opioid monotherapy in appropriate cases;

(D) the management of high-risk populations, other than populations who suffer pain, who—

(i) may use or be prescribed benzodiazepines, alcohol, and diverted opioids; or

(ii) receive opioids in the course of medical care;

(E) whether the State prescription drug monitoring programs are sufficiently available, functional, and useful to be integrated into the process for prescribing pain medication; and

(F) the Proposed 2016 Guideline for Prescribing Opioids for Chronic Pain issued by the Centers for Disease Control and Prevention (80 Fed. Reg. 77351 (December 14, 2015))

and any final guidelines issued by the Centers for Disease Control and Prevention;

(2) solicit and take into consideration public comment on the practices developed under paragraph (1), amending such best practices if appropriate; and

(3) develop a strategy for disseminating information about the best practices to stakeholders, as appropriate.

(e) **LIMITATION.**—The task force shall not have rulemaking authority.

(f) **REPORT.**—Not later than 270 days after the date on which the task force is convened under subsection (b), the task force shall submit to Congress a report that includes—

(1) the strategy for disseminating best practices for pain management (including chronic and acute pain) and prescribing pain medication, as reviewed, modified, or updated under subsection (d);

(2) the results of a feasibility study on linking the best practices described in paragraph (1) to receiving and renewing registrations under section 303(f) of the Controlled Substances Act (21 U.S.C. 823(f)); and

(3) recommendations for effectively applying the best practices described in paragraph (1) to improve prescribing practices at medical facilities, including medical facilities of the Veterans Health Administration.

(g) **GAO REPORT ON STATE PRESCRIPTION DRUG MONITORING PROGRAMS.**—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall prepare and submit to Congress a report examining the variations that exist across State prescription drug monitoring programs that have been supported by Federal funds. The Comptroller General shall review, and include in the report recommendations on, best practices to maximize the effectiveness of such programs and State strategies to increase queries to such programs by health care providers.

**SA 3420.** Mr. MANCHIN submitted an amendment intended to be proposed to amendment SA 3378 proposed by Mr. GRASSLEY (for himself, Mr. LEAHY, Mr. WHITEHOUSE, Mr. PORTMAN, Ms. KLOBUCHAR, Ms. AYOTTE, Mr. GRAHAM, Mr. COONS, Mr. CORNYN, and Mr. DURBIN) to the bill S. 524, to authorize the Attorney General to award grants to address the national epidemics of prescription opioid abuse and heroin use; as follows:

On page 14, line 10, insert “consumers,” after “patients.”

On page 14, line 12, strike “prescribed.” and insert “prescribed, including opioid and methadone abuse. Such education and awareness campaigns shall include information on the dangers of opioid abuse, how to prevent opioid abuse including through safe disposal of prescription medications and other safety precautions, and detection of early warning signs of addiction.”

On page 16, line 22, strike “or”.

On page 17, line 2, insert “or” at the end.

On page 17, between lines 2 and 3, insert the following:

“(C) a sudden increase in opioid-related deaths, as documented by local data;

On page 18, line 23, strike “1997.” and insert “1997, and may also include an evaluation of the effectiveness at reducing abuse of opioids, methadone, or methamphetamines.”

**SA 3421.** Mr. CARDIN (for himself and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 3378 proposed by Mr. GRASSLEY (for himself, Mr. LEAHY, Mr. WHITEHOUSE, Mr. PORTMAN, Ms. KLOBUCHAR, Ms. AYOTTE, Mr. GRAHAM, Mr.

COONS, Mr. CORNYN, and Mr. DURBIN) to the bill S. 524, to authorize the Attorney General to award grants to address the national epidemics of prescription opioid abuse and heroin use; which was ordered to lie on the table; as follows:

On page 39, line 1, strike “other clinically appropriate services,” and insert “other clinically appropriate services and through the establishment and support of treatment centers that operate 24 hours a day, 7 days a week, to provide immediate access to behavioral health treatment.”.

**SA 3422.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 524, to authorize the Attorney General to award grants to address the national epidemics of prescription opioid abuse and heroin use; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . VOTING RIGHTS.**

(a) **INFORMATION FOR INCARCERATED INDIVIDUALS.**—The Director of the Bureau of Prisons shall immediately ensure that individuals in the custody of the Bureau of Prisons are provided information regarding the voting rights restoration process upon release and return to their home State.

(b) **NOTICE IN CRIMINAL CASES.**—The Attorney General shall require that the United States attorneys provide notice to defendants in Federal criminal cases regarding the loss of the right to vote as a result of a plea agreement to any disfranchising offense, whether the offense is a misdemeanor or felony.

(c) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the disproportionate impact of Federal and State criminal disenfranchisement laws on minority populations, which shall include data on disenfranchisement rates by race and ethnicity.

**SA 3423.** Mr. KIRK submitted an amendment intended to be proposed to amendment SA 3378 proposed by Mr. GRASSLEY (for himself, Mr. LEAHY, Mr. WHITEHOUSE, Mr. PORTMAN, Ms. KLOBUCHAR, Ms. AYOTTE, Mr. GRAHAM, Mr. COONS, Mr. CORNYN, and Mr. DURBIN) to the bill S. 524, to authorize the Attorney General to award grants to address the national epidemics of prescription opioid abuse and heroin use; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

**SEC. 504. MANDATORY DISCLOSURE OF CERTAIN VETERAN INFORMATION TO STATE CONTROLLED SUBSTANCE MONITORING PROGRAMS.**

Section 5701(l) of title 38, United States Code, is amended by striking “may” and inserting “shall”.

**SA 3424.** Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 524, to authorize the Attorney General to award grants to address the national epidemics of prescription opioid abuse and heroin use; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . COMBAT HEROIN EPIDEMIC AND BACKLOG ACT.**

(a) **SHORT TITLE.**—This section may be cited as the “Combat Heroin Epidemic and Backlog Act of 2016”.

(b) **CONFRONTING THE USE OF HEROIN AND ASSOCIATED DRUGS.**—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

**“PART II—CONFRONTING THE USE OF HEROIN AND ASSOCIATED DRUGS**

**“SEC. 3021. AUTHORITY TO MAKE GRANTS TO ADDRESS PUBLIC SAFETY AND HEROIN DISTRIBUTION, SALE, AND USE.**

“(a) **PURPOSE.**—The purpose of this section is to assist States and Indian tribes to—

“(1) carry out programs to address the distribution, sale, and use of heroin, fentanyl, and associated synthetic drugs; and

“(2) improve the ability of State, tribal, and local government institutions to carry out such programs.

“(b) **GRANT AUTHORIZATION.**—The Attorney General, through the Bureau of Justice Assistance, may make grants to States and Indian tribes to address the distribution, sale, and use of heroin, fentanyl, and associated synthetic drugs to enhance public safety.

“(c) **GRANT PROJECTS TO ADDRESS DISTRIBUTION, SALE, AND USE OF HEROIN, FENTANYL, AND ASSOCIATED SYNTHETIC DRUGS.**—Grants made under subsection (b) may be used for programs, projects, and other activities to—

“(1) reimburse State, local, or other public crime laboratories and medical examiners to help address backlogs of untested samples of heroin, fentanyl, and associated synthetic drugs as well as associated toxicology testing;

“(2) reimburse State, local, or other public crime laboratories and medical examiners for procuring equipment, technology, or other support systems if the applicant for the grant demonstrates to the satisfaction of the Attorney General that expenditures for such purposes would result in improved efficiency of laboratory testing and help prevent future backlogs;

“(3) reimburse State, tribal, and local law enforcement agencies for procuring field-testing equipment for use in the identification or detection of heroin, fentanyl, and associated synthetic drugs;

“(4) investigate, arrest, and prosecute individuals violating laws related to the distribution or sale of heroin, fentanyl, and associated synthetic drugs; and

“(5) support State, tribal, and local health department services deployed to address the use of heroin, fentanyl, and associated synthetic drugs.

“(d) **LIMITATION.**—Not less than 60 percent of the amounts made available to carry out this section shall be awarded for the purposes under paragraph (1) or (2) of subsection (c).

“(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2017, 2018, and 2019.

“(f) **ALLOCATION.**—

“(1) **POPULATION ALLOCATION.**—Seventy-five percent of the amount made available to carry out this section in a fiscal year shall be allocated to each State that meets the requirements of section 2802 so that each State shall receive an amount that bears the same ratio to the 75 percent of the total amount made available to carry out this section for that fiscal year as the population of the State bears to the population of all States.

“(2) **DISCRETIONARY ALLOCATION.**—

“(A) **IN GENERAL.**—Twenty-five percent of the amount made available to carry out this section in a fiscal year shall be allocated

pursuant to the Attorney General’s discretion for competitive awards to States and Indian tribes.

“(B) **CONSIDERATIONS.**—In making awards under subparagraph (A), the Attorney General shall consider—

“(i) the average annual number of part 1 violent crimes reported by each State to the Federal Bureau of Investigation for the 3 most recent calendar years for which data is available; and

“(ii) the existing resources and current needs of the potential grant recipient.

“(3) **MINIMUM REQUIREMENT.**—Each State shall receive not less than 0.6 percent of the amount made available to carry out this section in each fiscal year.

“(4) **CERTAIN TERRITORIES.**—

“(A) **IN GENERAL.**—For purposes of the allocation under this section, American Samoa and the Commonwealth of the Northern Mariana Islands shall be considered as 1 State.

“(B) **ALLOCATION AMONGST CERTAIN TERRITORIES.**—For purposes of subparagraph (A), 67 percent of the amount allocated shall be allocated to American Samoa and 33 percent shall be allocated to the Commonwealth of the Northern Mariana Islands.”.

**SA 3425.** Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 3378 proposed by Mr. GRASSLEY (for himself, Mr. LEAHY, Mr. WHITEHOUSE, Mr. PORTMAN, Ms. KLOBUCHAR, Ms. AYOTTE, Mr. GRAHAM, Mr. COONS, Mr. CORNYN, and Mr. DURBIN) to the bill S. 524, to authorize the Attorney General to award grants to address the national epidemics of prescription opioid abuse and heroin use; which was ordered to lie on the table; as follows:

On page 36, line 12, insert “and partnerships with law enforcement agencies of a unit of local government (including an Indian tribe), the Federal Bureau of Investigation, and the Drug Enforcement Administration” after “collaboration”.

On page 36, line 19, insert “including through partnerships with law enforcement agencies of a unit of local government (including an Indian tribe), the Federal Bureau of Investigation, and the Drug Enforcement Administration,” after “activities,”

**SA 3426.** Mr. PAUL submitted an amendment intended to be proposed to amendment SA 3378 proposed by Mr. GRASSLEY (for himself, Mr. LEAHY, Mr. WHITEHOUSE, Mr. PORTMAN, Ms. KLOBUCHAR, Ms. AYOTTE, Mr. GRAHAM, Mr. COONS, Mr. CORNYN, and Mr. DURBIN) to the bill S. 524, to authorize the Attorney General to award grants to address the national epidemics of prescription opioid abuse and heroin use; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE VIII—ACCESS TO MEDICATION-ASSISTED THERAPY**

**SEC. 801. EXPANDING PATIENT ACCESS TO MEDICATION-ASSISTED TREATMENT.**

Section 303(g)(2) of the Controlled Substances Act (21 U.S.C. 823(g)) is amended—

(1) in subparagraph (B)—

(A) in clause (iii)—

(i) by inserting “(I)” before “The total”;

(ii) by striking “30” and inserting “100”;

(iii) by striking “, unless, not sooner” and all that follows through the end and inserting a period; and

(iv) by adding at the end the following:

“(II) If a patient is referred by a qualifying physician to another physician that provides short-term services, such as induction or titration, the patient shall only be included in

the total number of such patients of the qualifying physician that makes the referral.

“(III) In this clause, the term ‘the total number of such patients’ does not include a patient to whom a qualifying physician meeting the requirements described in clause (iv)(I), or an authorized agent of such qualifying physician, directly administers such drugs or combination drugs that are formulated to have a therapeutic effect lasting 7 days or more.”; and

(B) by adding at the end the following:

“(iv) Not earlier than 1 year after the date on which a qualifying physician obtained an initial waiver pursuant to clause (iii), the qualifying physician may submit a second notification to the Secretary of the need and intent of the qualifying physician to treat up to 500 patients, if the qualifying physician—

“(I)(aa) satisfies the requirements of subclause (I), (II), (III), or (IV) of subparagraph (G)(ii); and

“(bb) agrees to fully participate in the Prescription Drug Monitoring Program of the State in which the qualifying physician is licensed, pursuant to applicable State guidelines; or

“(II)(aa) satisfies the requirements of subclause (V), (VI), (VII), or (VIII) of subparagraph (G)(ii);

“(bb) agrees to fully participate in the Prescription Drug Monitoring Program of the State in which the qualifying physician is licensed, pursuant to applicable State guidelines; and

“(cc) has completed not less than 40 hours of training (through classroom situations, seminars at professional society meetings, electronic communications, or otherwise) with respect to the treatment and management of opiate-dependent patients for substance use disorders provided by the American Society of Addiction Medicine, the American Academy of Addiction Psychiatry, the American Medical Association, the American Osteopathic Association, the American Psychiatric Association, or any other organization that the Secretary determines is appropriate for purposes of this subclause after providing notice and an opportunity for public comment.

“(v) The qualifying physician shall maintain records relating to the dispensing of drugs or combinations of drugs to treat patients under this paragraph, including not less than 3 of the following:

“(I) The number of patients the qualifying physician treats, as compared to the maximum number of patients the qualifying physician may treat under this paragraph.

“(II) Whether the qualifying physician provides counseling services on-site, and how frequently patients are using such services.

“(III) Whether the qualifying physician referred patients for counseling services off-site, the percentage of the patients of the qualifying physician using such services, and how frequently the patients are using such services.

“(IV) Whether the qualifying physician uses toxicology testing, if applicable, to guide therapeutic dosing and treatment decision making.

“(V) The median period during which patients being treated under this paragraph have received treatment.

“(VI) The median period during which patients being treated under this paragraph with buprenorphine have received treatment.

“(VII) The rate at which patients being treated under this paragraph terminate the treatment against medical advice.

“(vi) The qualifying physician shall—

“(I) participate in not less than 24 hours of continuing education training during the 3-year period beginning on the date of the notification; and

“(II) when the qualifying physician completes the continuing education training described in subclause (I), submit a certification to that effect to the Substance Abuse and Mental Health Services Administration and, if required by the State in which the qualifying physician is licensed, to the State.”; and

(2) by adding at the end the following:

“(K) Notwithstanding section 708, nothing in this paragraph shall be construed to preempt any State law that—

“(i) permits a qualifying physician to dispense narcotic drugs in schedule III, IV, or V or combinations of such drugs to a total number of patients for maintenance or detoxification treatment in accordance with this paragraph that is fewer than or more than the applicable number described in clause (iii) or (iv) of subparagraph (B); or

“(ii) requires a qualifying physician to comply with additional requirements relating to the dispensing of narcotic drugs in schedule III, IV, or V or combinations of such drugs, including requirements relating to the practice setting in which the qualifying physician practices and education, training, and reporting requirements.”.

#### SEC. 802. DEFINITIONS.

Section 303(g)(2)(G)(ii) of the Controlled Substances Act (21 U.S.C. 823(g)(2)(G)(ii)) is amended—

(1) by redesignating subclauses (IV), (V), (VI), and (VII) as subclauses (V), (VI), (VII), and (VIII), respectively; and

(2) by inserting after subclause (III) the following:

“(IV) The physician holds a board certification from the American Board of Addiction Medicine.”.

#### SEC. 803. EVALUATIONS.

(a) DEFINITION.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Health, Education, Labor, and Pensions and the Committee on the Judiciary of the Senate; and

(2) the Committee on Energy and Commerce and the Committee on the Judiciary of the House of Representatives.

(b) HHS.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services, in coordination with the Attorney General, shall submit to the appropriate committees of Congress a report on the effect on the amendments made by this title on the availability of evidence-based treatment and any increased risk in diversion.

(c) GAO.—

(1) IN GENERAL.—Four years after the date on which the first notification under clause (iv) of section 303(g)(2)(B) of the Controlled Substances Act (21 U.S.C. 823(g)(2)(B)), as added by this Act, is received by the Secretary of Health and Human Services, the Comptroller General of the United States shall initiate an evaluation of the effectiveness of the amendments made by this Act, which shall include an evaluation of—

(A) any changes in the availability and use of medication-assisted treatment for opioid addiction;

(B) the quality of medication-assisted treatment programs;

(C) the integration of medication-assisted treatment with routine healthcare services;

(D) diversion of opioid addiction treatment medication;

(E) changes in State or local policies and legislation relating to opioid addiction treatment;

(F) the use of nurse practitioners and physician assistants who prescribe opioid addiction medication;

(G) the use of Prescription Drug Monitoring Programs by waived practitioners to

maximize safety of patient care and prevent diversion of opioid addiction medication;

(H) the findings of Drug Enforcement Agency inspections of waived practitioners, including the frequency with which the Drug Enforcement Agency finds no documentation of access to behavioral health services; and

(I) the effectiveness of cross-agency collaboration between Department of Health and Human Services and the Drug Enforcement Agency for expanding effective opioid addiction treatment.

(2) REPORT.—The Comptroller General shall submit to the appropriate committees of Congress a report regarding the evaluation conducted under paragraph (1).

#### SEC. 804. DEMONSTRATION PROJECT.

Section 303(g)(2) of the Controlled Substances Act (21 U.S.C. 823(g)(2)), as amended by section 801(2), is amended by adding at the end the following:

“(L)(i) In this subparagraph, the term ‘covered provider’ includes a person that—

“(I) is not a physician; and

“(II) is authorized to dispense narcotic drugs in schedule III, IV, or V or combinations of such drugs for maintenance or detoxification treatment by the jurisdiction in which the provider is licensed.

“(ii) Notwithstanding subparagraph (B)(i), the Secretary may establish and carry out a demonstration project for the purposes of allowing each covered provider participating in the demonstration project to dispense narcotic drugs in schedule III, IV, or V or combinations of such drugs for maintenance or detoxification treatment under this paragraph—

“(I) during an initial period, to be determined by the Secretary, to treat not more than 30 patients; and

“(II) after the initial period, to treat not more than 100 patients.

“(iii) The Secretary may enter into grants, contracts, or cooperative agreements with 1 or more research institutions, departments of health of a State, and public and nonprofit entities to assist in carrying out the demonstration project under this subparagraph.

“(iv) Amounts made available to the Attorney General for carrying out this section or to the Secretary of Health and Human Services for carrying out title V of the Public Health Service Act (42 U.S.C. 290aa) shall also be made available to carry out the demonstration project under this subparagraph.

“(v) The demonstration project under this subparagraph, including any authority to dispense narcotic drugs in schedule III, IV, or V or combinations of such drugs for maintenance or detoxification treatment under this subparagraph, shall terminate on September 30, 2021.”.

**SA 3427. Mr. MCCONNELL** (for Mrs. FISCHER (for herself, Mr. DAINES, Mr. BOOKER, Mr. PETERS, Mrs. BOXER, and Mrs. FEINSTEIN)) proposed an amendment to the bill S. 2276, to amend title 49, United States Code, to provide enhanced safety in pipeline transportation, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the “Securing America’s Future Energy: Protecting our Infrastructure of Pipelines and Enhancing Safety Act” or the “SAFE PIPES Act”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents; references.

- Sec. 2. Authorization of appropriations.
- Sec. 3. Regulatory updates.
- Sec. 4. Hazardous materials identification numbers.
- Sec. 5. Statutory preference.
- Sec. 6. Natural gas integrity management review.
- Sec. 7. Hazardous liquid integrity management review.
- Sec. 8. Technical safety standards committees.
- Sec. 9. Inspection report information.
- Sec. 10. Pipeline odorization study.
- Sec. 11. Improving damage prevention technology.
- Sec. 12. Workforce of Pipeline and Hazardous Materials Safety Administration.
- Sec. 13. Research and development.
- Sec. 14. Information sharing system.
- Sec. 15. Nationwide integrated pipeline safety regulatory database.
- Sec. 16. Underground natural gas storage facilities.
- Sec. 17. Joint inspection and oversight.
- Sec. 18. Response plans.
- Sec. 19. High consequence areas.
- Sec. 20. Surface transportation security review.
- Sec. 21. Small scale liquefied natural gas facilities.
- Sec. 22. Report on natural gas leak reporting.
- Sec. 23. Comptroller General review of State policies relating to natural gas leaks.
- Sec. 24. Provision of response plans to appropriate committees of Congress.
- Sec. 25. Consultation with FERC as part of pre-filing procedures and permitting process for new natural gas pipeline infrastructure.
- Sec. 26. Maintenance of effort.
- Sec. 27. Aliso Canyon natural gas leak task force.

(c) REFERENCES TO TITLE 49, UNITED STATES CODE.—Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

## SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) GAS AND HAZARDOUS LIQUID.—Section 60125(a) is amended—

(1) in paragraph (1), by striking “there is authorized to be appropriated to the Department of Transportation for each of fiscal years 2012 through 2015, from fees collected under section 60301, \$90,679,000, of which \$4,746,000 is for carrying out such section 12 and \$ 36,194,000 is for making grants.” and inserting the following: “there are authorized to be appropriated to the Department of Transportation from fees collected under section 60301—

“(A) \$127,060,000 for fiscal year 2016, of which \$9,325,000 shall be expended for carrying out such section 12 and \$42,515,000 shall be expended for making grants;

“(B) \$129,671,000 for fiscal year 2017, of which \$9,418,000 shall be expended for carrying out such section 12 and \$42,941,000 shall be expended for making grants;

“(C) \$132,334,000 for fiscal year 2018, of which \$9,512,000 shall be expended for carrying out such section 12 and \$43,371,000 shall be expended for making grants; and

“(D) \$135,051,000 for fiscal year 2019, of which \$9,607,000 shall be expended for carrying out such section 12 and \$43,805,000 shall be expended for making grants.”; and

(2) in paragraph (2), by striking “there is authorized to be appropriated for each of fiscal years 2012 through 2015 from the Oil Spill

Liability Trust Fund to carry out the provisions of this chapter related to hazardous liquid and section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107-355), \$18,573,000, of which \$2,174,000 is for carrying out such section 12 and \$4,558,000 is for making grants.” and inserting the following: “there are authorized to be appropriated from the Oil Spill Liability Trust Fund to carry out the provisions of this chapter related to hazardous liquid and section 12 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note; Public Law 107-355)—”

“(A) \$19,890,000 for fiscal year 2016, of which \$3,108,000 shall be expended for carrying out such section 12 and \$8,708,000 shall be expended for making grants;

“(B) \$20,288,000 for fiscal year 2017, of which \$3,139,000 shall be expended for carrying out such section 12 and \$8,795,000 shall be expended for making grants;

“(C) \$20,694,000 for fiscal year 2018, of which \$3,171,000 shall be expended for carrying out such section 12 and \$8,883,000 shall be expended for making grants; and

“(D) \$21,108,000 for fiscal year 2019, of which \$3,203,000 shall be expended for carrying out such section 12 and \$8,972,000 shall be expended for making grants.”.

(b) EMERGENCY RESPONSE GRANTS.—Section 60125(b)(2) is amended by striking “2012 through 2015” and inserting “2016 through 2019”.

(c) ONE-CALL NOTIFICATION PROGRAMS.—Section 6107 is amended—

(1) in subsection (a), by striking “\$1,000,000 for each of fiscal years 2012 through 2015” and inserting “\$1,060,000 for each of the fiscal years 2016 through 2019”; and

(2) in subsection (b), by striking “2012 through 2015” and inserting “2016 through 2019”.

(d) STATE DAMAGE PREVENTION PROGRAMS.—Section 60134(i) is amended by striking “2012 through 2015” and inserting “2016 through 2019”.

(e) COMMUNITY PIPELINE SAFETY INFORMATION GRANTS.—Section 60130(c) is amended by striking “2012 through 2015” and inserting “2016 through 2019”.

(f) PIPELINE INTEGRITY PROGRAM.—Section 12(f) of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note) is amended by striking “2012 through 2015” and inserting “2016 through 2019”.

## SEC. 3. REGULATORY UPDATES.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, and every 90 days thereafter until a final rule has been issued for each of the requirements described under paragraphs (1), (2), and (3), the Secretary of Transportation shall publish an update on a public website regarding the status of a final rule for—

(1) regulations required under the Pipeline Safety Regulatory Certainty and Job Creation Act of 2011 (Public Law 112-90; 125 Stat. 1904) for which no interim final rule or direct final rule has been issued;

(2) any regulation relating to pipeline safety required by law, other than a regulation described under paragraph (1), for which for more than 2 years after the date of the enacting statute or statutory deadline no interim final rule or direct final rule has been issued; and

(3) any other pipeline safety rulemaking categorized as significant.

(b) CONTENTS.—Each report under subsection (a) shall include—

(1) a description of the work plan for the outstanding regulation;

(2) an updated rulemaking timeline for the outstanding regulation;

(3) current staff allocations;

(4) any other information collection request with substantial changes;

(5) current data collection or research relating to the development of the rulemaking;

(6) current collaborative efforts with safety experts and other stakeholders;

(7) any resource constraints impacting the rulemaking process for the outstanding regulation; and

(8) any other details associated with the development of the rulemaking that impact the progress of the rulemaking.

## SEC. 4. HAZARDOUS MATERIALS IDENTIFICATION NUMBERS.

The Administrator of the Pipeline and Hazardous Materials Safety Administration shall—

(1) rescind the implementation of the June 26, 2015 PHMSA interpretative letter (#14-0178); and

(2) reinstate paragraphs (4) and (5) of section 172.336(c) of title 49, Code of Federal Regulations, without the reference to “gas-ohol”, as was originally intended in the March 7, 2013 final rule (PHMSA–2011–0142).

## SEC. 5. STATUTORY PREFERENCE.

The Administrator of the Pipeline and Hazardous Materials Safety Administration shall prioritize the use of Office of Pipeline Safety resources for the development of each outstanding pipeline safety statutory requirement, including requirements for rulemakings and information collection requests, for a rulemaking described in a report under section 3 before beginning any new rulemaking required after the date of the enactment of this Act unless the Secretary of Transportation certifies to Congress that there is a significant need to move forward with a new rulemaking.

## SEC. 6. NATURAL GAS INTEGRITY MANAGEMENT REVIEW.

(a) REPORT.—Not later than 18 months after the publication of a final rule regarding the safety of gas transmission pipelines (76 Fed. Reg. 53086), the Comptroller General of the United States shall submit a report to Congress regarding the natural gas integrity management program.

(b) CONTENTS.—The report under subsection (a) shall include—

(1) an analysis of the extent to which the natural gas integrity management program under section 60109(c) of title 49, United States Code, has improved the safety of natural gas transmission pipelines;

(2) an analysis or recommendations, including consideration of technical, operational, and economic feasibility, regarding changes to the program that would prevent inadvertent releases from pipelines and mitigate any adverse consequences of an inadvertent release, including changes to the current definition of high consequence area, or would expand integrity management beyond high consequence areas;

(3) a review of the cost effectiveness of the legacy class location regulations;

(4) an analysis of and recommendations regarding what impact pipeline features and conditions, including the age, condition, materials, and construction of a pipeline, should have on risk analysis of a particular pipeline;

(5) a description of any challenges affecting Federal or State regulators in their oversight of the program and how the challenges are being addressed; and

(6) a description of any challenges affecting the natural gas industry in complying with the program, and how the challenges are being addressed.

(c) DEFINITION OF HIGH CONSEQUENCE AREA.—In this section and in section 7, the term “high consequence area” means an area described in section 60109(a) of title 49, United States Code.

**SEC. 7. HAZARDOUS LIQUID INTEGRITY MANAGEMENT REVIEW.**

(a) **SAFETY STUDY.**—Not later than 18 months after the publication of a final rule regarding the safety of hazardous liquid pipelines (80 Fed. Reg. 61610), the Comptroller General of the United States shall submit a report to Congress regarding the hazardous liquid integrity management program.

(b) **CONTENTS.**—The report under subsection (a) shall include—

(1) an analysis of the extent to which liquid pipeline integrity management in high consequence areas for operators of certain hazardous liquid pipeline facilities, as regulated under sections 195.450 and 195.452 of title 49, Code of Federal Regulations, has improved the safety of hazardous liquid pipelines;

(2) recommendations, including consideration of technical, operational, and economic feasibility, regarding changes to the program that could prevent inadvertent releases from pipelines and mitigate any adverse consequences of an inadvertent release, including changes to the current definition of high consequence area;

(3) an analysis of how surveying, assessment, mitigation, and monitoring activities, including real-time hazardous liquid pipeline monitoring during significant flood events and information sharing with other Federal agencies, are being used to address risks associated with the dynamic and unique nature of rivers, flood plains, and lakes;

(4) an analysis of and recommendations regarding what impact pipeline features and conditions, including the age, condition, materials, and construction of a pipeline, should have on risk analysis of a particular pipeline and what changes to the definition of high consequence area could be made to improve pipeline safety; and

(5) a description of any challenges affecting Federal or State regulators in their oversight of the program and how the challenges are being addressed.

**SEC. 8. TECHNICAL SAFETY STANDARDS COMMITTEES.**

Section 60115(b)(4)(A) is amended by striking “State commissioners. The Secretary shall consult with the national organization of State commissions before selecting those 2 individuals.” and inserting “State officials. The Secretary shall consult with national organizations representing State commissioners or governors when making a selection under this subparagraph.”

**SEC. 9. INSPECTION REPORT INFORMATION.**

(a) **IN GENERAL.**—Not later than 30 days after the completion of a pipeline safety inspection, the Administrator of the Pipeline and Hazardous Materials Safety Administration, or the State authority certified under section 60105 of title 49, United States Code, shall—

(1) conduct a post-inspection briefing with the operator outlining concerns, and to the extent practicable, provide written preliminary findings of the inspection; or

(2) issue to the operator a final report, notice of amendment of plans or procedures, safety order, or corrective action order, or such other applicable report, notice, or order.

(b) **REPORT.**—

(1) **IN GENERAL.**—The Administrator shall submit an annual report to Congress regarding—

(A) the actions that the Pipeline and Hazardous Materials Safety Administration has taken to ensure that inspections by State authorities provide effective and timely oversight; and

(B) statistics relating to the timeliness of the actions described in paragraphs (1) and (2) of subsection (a).

(2) **CESSATION OF EFFECTIVENESS.**—Paragraph (1) shall cease to be effective on September 30, 2019.

**SEC. 10. PIPELINE ODORIZATION STUDY.**

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that assesses—

(1) the feasibility of odorizing all combustible gas in transportation;

(2) the impacts of the odorization of all combustible gas in transportation on manufacturers, agriculture, and other end users; and

(3) the relative benefits and costs associated with odorizing all combustible gas in transportation, including impacts on health and safety, compared to using other methods to mitigate pipeline leaks.

**SEC. 11. IMPROVING DAMAGE PREVENTION TECHNOLOGY.**

(a) **STUDY.**—The Secretary of Transportation, in consultation with stakeholders, shall conduct a study on improving existing damage prevention programs through technological improvements in location, mapping, excavation, and communications practices to prevent accidental excavation damage to a pipe or its coating, including considerations of technical, operational, and economic feasibility and existing damage prevention programs.

(b) **CONTENTS.**—The study under subsection (a) shall include—

(1) an identification of any methods that could improve existing damage prevention programs through location and mapping practices or technologies in an effort to reduce unintended releases caused by excavation;

(2) an analysis of how increased use of GPS digital mapping technologies, predictive analytic tools, public awareness initiatives including one-call initiatives, the use of mobile devices, and other advanced technologies could supplement existing one-call notification and damage prevention programs to reduce the frequency and severity of incidents caused by excavation damage;

(3) an identification of any methods that could improve excavation practices or technologies in an effort to reduce pipeline damages;

(4) an analysis of the feasibility of a national data repository for pipeline excavation accident data that creates standardized data models for storing and sharing pipeline accident information; and

(5) an identification of opportunities for stakeholder engagement in preventing excavation damage.

(c) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives regarding the study under this section, including recommendations, that include the consideration of technical, operational, and economic feasibility, on how to incorporate, into existing damage prevention programs, technological improvements and practices that may help prevent accidental excavation damage.

**SEC. 12. WORKFORCE OF PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION.**

(a) **REVIEW.**—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Pipeline and Hazardous Materials Safety Administration shall submit to Congress a review of Pipeline and Hazardous Materials Safety Administration staff resource management, including geographic allocation plans, hiring challenges, and expected retirement rates and strategies. The review shall include recommendations to address hiring challenges, training needs, and any other identified staff resource challenges.

(b) **CRITICAL HIRING NEEDS.**—

(1) **IN GENERAL.**—Beginning on the date on which the review is submitted under subsection (a), the Administrator may certify to Congress, not less frequently than annually, that a severe shortage of qualified candidates or a critical hiring need exists for a position or group of positions in the Pipeline and Hazardous Material Safety Administration.

(2) **DIRECT HIRE AUTHORITY.**—Notwithstanding sections 3309 through 3318 of title 5, United States Code, the Administrator, after making a certification under paragraph (1), may hire a candidate for the position or candidates for the group of positions indicated in the certification, as applicable.

(3) **TERMINATIONS OF EFFECTIVENESS.**—The direct hire authority provided under paragraph (2) shall terminate on September 30, 2019.

**SEC. 13. RESEARCH AND DEVELOPMENT.**

(a) **IN GENERAL.**—In developing a research and development program plan under paragraph (3) of section 12(d) of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 60101 note), the Administrator of the Pipeline and Hazardous Material Safety Administration, in consultation with the Assistant Secretary for Research and Technology, shall—

(1) detail compliance with the consultation requirement under paragraph (2) of such section;

(2) provide opportunities for joint research ventures with non-Federal entities, whenever practicable and appropriate, to leverage limited Federal research resources; and

(3) permit collaborative research and development projects with appropriate non-Federal organizations.

(b) **COLLABORATIVE SAFETY RESEARCH REPORT.**—Section 60124(a)(6) is amended—

(1) in subparagraph (A), by striking “and” at the end;

(2) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(C) research activities in collaboration with non-Federal entities, including the intended improvements to safety technology, inspection technology, operator response time, and emergency responder incident response time.”

**SEC. 14. INFORMATION SHARING SYSTEM.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Transportation shall convene a working group to consider the development of a voluntary no-fault information sharing system to encourage collaborative efforts to improve inspection information feedback and information sharing with the purpose of improving natural gas transmission and hazardous liquid pipeline integrity risk analysis.

(b) **MEMBERSHIP.**—The working group described in subsection (a) shall include representatives from—

(1) the Pipeline and Hazardous Materials Safety Administration;

(2) industry stakeholders, including operators of pipeline facilities, inspection technology vendors, and pipeline inspection organizations;

(3) safety advocacy groups;

(4) research institutions;

(5) State public utility commissions or State officials responsible for pipeline safety oversight;

- (6) State pipeline safety inspectors; and
- (7) labor representatives.

(c) **CONSIDERATIONS.**—The working group described in subsection (a) shall consider and provide recommendations, if applicable, to the Secretary on—

(1) the need for and the identification of a system to ensure that dig verification data is shared with inline inspection operators to the extent consistent with the need to maintain proprietary and security sensitive data in a confidential manner to improve pipeline safety and inspection technology;

(2) ways to encourage the exchange of pipeline inspection information and the development of advanced pipeline inspection technologies and enhanced risk analysis;

(3) opportunities to share data, including dig verification data between operators of pipeline facilities and in-line inspector vendors to expand knowledge of the advantages and disadvantages of the different types of in-line inspection technology and methodologies;

(4) options to create a secure system that protects proprietary data while encouraging the exchange of pipeline inspection information and the development of advanced pipeline inspection technologies and enhanced risk analysis; and

(5) regulatory, funding, and legal barriers to sharing the information described in paragraphs (1) through (4).

(d) **FACA.**—The working group shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(e) **PUBLICATION.**—The Secretary shall publish the recommendations provided under subsection (c) on a publicly available website.

#### **SEC. 15. NATIONWIDE INTEGRATED PIPELINE SAFETY REGULATORY DATABASE.**

(a) **REPORT.**—Not later than 18 months after the date of the enactment of this Act, the Secretary of Transportation shall submit a report to Congress on the feasibility of a national integrated pipeline safety regulatory inspection database to improve communication and collaboration between the Pipeline and Hazardous Materials Safety Administration and State pipeline regulators.

(b) **CONTENTS.**—The report under subsection (a) shall include—

(1) a description of any efforts currently underway to test a secure information-sharing system for the purpose described in subsection (a);

(2) a description of any progress in establishing common standards for maintaining, collecting, and presenting pipeline safety regulatory inspection data, and a methodology for the sharing of the data;

(3) a description of any existing inadequacies or gaps in State and Federal inspection, enforcement, geospatial, or other pipeline safety regulatory inspection data;

(4) a description of the potential safety benefits of a national integrated pipeline database; and

(5) recommendations for how to implement a secure information-sharing system that protects proprietary and security sensitive information and data for the purpose described in subsection (a).

(c) **CONSULTATION.**—In preparing the report under subsection (a), the Secretary shall consult with stakeholders, including each State authority operating under a certification to regulate intrastate pipelines under section 60105 of title 49, United States Code.

#### **SEC. 16. UNDERGROUND NATURAL GAS STORAGE FACILITIES.**

(a) **DEFINED TERM.**—Section 60101(a) is amended—

(1) in paragraph (21)(B), by striking the period at the end and inserting a semicolon;

(2) in paragraph (24), by striking “and” at the end;

(3) in paragraph (25), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

“(27) ‘underground natural gas storage facility’ means a gas pipeline facility that stores gas in an underground facility, including—

“(A) a depleted hydrocarbon reservoir;

“(B) an aquifer reservoir; or

“(C) a solution mined salt cavern reservoir.”.

(b) **STANDARDS FOR UNDERGROUND NATURAL GAS STORAGE FACILITIES.**—Chapter 601 is amended by inserting after section 60103 the following:

#### **“§ 60103A. Standards for underground natural gas storage facilities**

“(a) **MINIMUM UNIFORM SAFETY STANDARDS.**—Not later than 2 years after the date of the enactment of the SAFE PIPES Act, the Secretary of Transportation, in consultation with the heads of other relevant Federal agencies, shall issue minimum uniform safety standards, incorporating, to the extent practicable, consensus standards for the operation, environmental protection, and integrity management of underground natural gas storage facilities.

“(b) **CONSIDERATIONS.**—In developing uniform safety standards under subsection (a), the Secretary shall—

“(1) consider the economic impacts of the regulations on individual gas customers to the extent practicable;

“(2) ensure that the regulations do not have a significant economic impact on end users to the extent practicable;

“(3) consider existing consensus standards; and

“(4) consider the recommendations of the Aliso Canyon Task Force under section 27 of the Securing America's Future Energy: Protecting our Infrastructure of Pipelines and Enhancing Safety Act.

“(c) **USER FEES.**—

“(1) **IN GENERAL.**—A fee shall be imposed on an entity operating an underground natural gas storage facility to which this section applies. Any such fee imposed shall be collected before the end of the fiscal year to which it applies.

“(2) **MEANS OF COLLECTION.**—The Secretary shall prescribe procedures to collect fees under this subsection. The Secretary may use a department, agency, or instrumentality of the United States Government or of a State or local government to collect the fee and may reimburse the department, agency, or instrumentality a reasonable amount for its services.

“(3) **USE OF FEES.**—

“(A) **ACCOUNT.**—There is established an underground natural gas storage facility safety account in the Pipeline Safety Fund established under section 60301, in the Treasury of the United States.

“(B) **USE OF FEES.**—A fee collected under this subsection—

“(i) shall be deposited in the underground natural gas storage facility safety account; and

“(ii) if the fee is related to an underground natural gas storage facility, may be used only for an activity related to underground natural gas storage safety under this section.

“(C) **LIMITATION.**—Amounts collected under this subsection shall be made available only to the extent provided in advance in an appropriation law for an activity related to underground natural gas storage safety.

“(d) **RULES OF CONSTRUCTION.**—

“(1) **IN GENERAL.**—Nothing in this section may be construed to affect any Federal regulation relating to gas pipeline facilities that is in effect on the day before the date of enactment of the SAFE PIPES Act.

“(2) **LIMITATIONS.**—Nothing in this section may be construed to authorize the Secretary—

“(A) to prescribe the location of an underground natural gas storage facility; or

“(B) to require the Secretary's permission to construct a facility referred to in subparagraph (A).”.

(c) **CLERICAL AMENDMENT.**—The table of sections for chapter 601 is amended by inserting after the item relating to section 60103 the following:

“60103A. Standards for underground natural gas storage facilities.”.

#### **SEC. 17. JOINT INSPECTION AND OVERSIGHT.**

To ensure the safety of pipeline transportation, the Secretary of Transportation shall coordinate with States to ensure safety through the following:

(1) At the request of a State authority, the Secretary shall allow for a certified state authority under section 60105 of title 49, United States Code, to participate in the inspection of an interstate pipeline facility.

(2) Where appropriate, may provide temporary authority for a certified State authority under that section to participate in oversight of interstate pipeline safety transportation to ensure proper safety oversight and prevent an adverse impact on public safety.

#### **SEC. 18. RESPONSE PLANS.**

In preparing or reviewing a response plan under part 194 of title 49, Code of Federal Regulations, the Administrator of the Pipeline and Hazardous Materials Safety Administration and an operator shall each address, to the maximum extent practicable, the impact of a worse case discharge of oil, or the substantial threat of such a discharge, into or on any navigable waters or adjoining shorelines that may be covered in whole or in part by ice.

#### **SEC. 19. HIGH CONSEQUENCE AREAS.**

The Secretary of Transportation shall revise section 195.6(b) of title 49, Code of Federal Regulations to explicitly state that the Great Lakes are a USA ecological resource (as defined in section 195.6(b) of that title) for purposes of determining whether a pipeline is in a high consequence area (as defined in section 195.450 of that title).

#### **SEC. 20. SURFACE TRANSPORTATION SECURITY REVIEW.**

Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress on the staffing, resource allocation, oversight strategy, and management of the Transportation Security Administration's pipeline security program and other surface transportation programs. The report shall include information on the coordination between the Transportation Security Administration, other Federal stakeholders, and industry.

#### **SEC. 21. SMALL SCALE LIQUEFIED NATURAL GAS FACILITIES.**

(a) **DEFINED TERM.**—Section 60101(a), as amended by section 16, is further amended by inserting after paragraph (25) the following:

“(26) ‘small scale liquefied natural gas facility’ means a permanent intrastate liquefied natural gas facility (other than a peak shaving facility) that produces liquefied natural gas for—

“(A) use as a fuel in the United States; or

“(B) transportation in the United States by a means other than a pipeline facility; and”.

(b) **SITING STANDARDS FOR PERMANENT SMALL SCALE LIQUEFIED NATURAL GAS FACILITIES.**—Section 60103(a) is amended to read as follows:

“(a) **LOCATION STANDARDS.**—

“(1) **IN GENERAL.**—The Secretary of Transportation shall prescribe minimum safety



standards for deciding on the permanent location of a new liquefied natural gas pipeline facility or small scale liquefied natural gas facility.

“(2) LIQUEFIED NATURAL GAS FACILITIES.—In prescribing a minimum safety standard for deciding on the permanent location of a new liquefied natural gas facility, the Secretary of Transportation shall consider—

“(A) the kind and use of the facility;  
“(B) the existing and projected population and demographic characteristics of the location;  
“(C) the existing and proposed land uses near the location;  
“(D) the natural physical aspects of the location;

“(E) medical, law enforcement, and fire prevention capabilities near the location that can cope with a risk caused by the facility; and  
“(F) the need to encourage remote siting.

“(3) SMALL SCALE LIQUEFIED NATURAL GAS FACILITIES.—

“(A) IN GENERAL.—Not later than 18 months after the date of the enactment of the SAFE PIPES Act, the Secretary of Transportation shall prescribe minimum safety standards for permanent small scale liquefied natural gas facilities.

“(B) CONSIDERATIONS.—In prescribing minimum safety standards under this paragraph, the Secretary shall consider—

“(i) the value of establishing risk-based approaches;  
“(ii) the benefit of incorporating industry standards and best practices;  
“(iii) the need to encourage the use of best available technology; and  
“(iv) the factors prescribed in paragraph (2), as appropriate.”.

## SEC. 22. REPORT ON NATURAL GAS LEAK REPORTING.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Pipeline and Hazardous Materials Safety Administration shall submit to Congress a report on the metrics provided to the Pipeline and Hazardous Materials Safety Administration and other Federal and State agencies related to lost and unaccounted for natural gas from distribution pipelines and systems.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) An examination of different reporting requirements or standards for lost and unaccounted for natural gas to different agencies, the reasons for any such discrepancies, and recommendations for harmonizing and improving the accuracy of reporting.

(2) An analysis of whether separate or alternative reporting could better measure the amounts and identify the location of lost and unaccounted for natural gas from natural gas distribution systems.

(3) A description of potential safety issues associated with natural gas that is lost and unaccounted for from natural gas distribution systems.

(4) An assessment of whether alternate reporting and measures will resolve any safety issues identified under paragraph (3), including an analysis of the potential impact, including potential savings, on rate payers and end users of natural gas products of such reporting and measures.

(c) CONSIDERATION OF RECOMMENDATIONS.—If the Administrator determines that alternate reporting structures or recommendations included in the report required under subsection (a) would significantly improve the reporting and measurement of lost and unaccounted for gas or safety of systems, the Administrator shall, not later than 180 days after making such determination, issue regulations, as the Administrator determines ap-

propriate, to implement the recommendations.

## SEC. 23. COMPTROLLER GENERAL REVIEW OF STATE POLICIES RELATING TO NATURAL GAS LEAKS.

(a) REVIEW.—The Comptroller General of the United States shall conduct a State-by-State review of State-level policies that—

(1) encourage the repair and replacement of leaking natural gas distribution pipelines or systems that pose a safety threat, such as timelines to repair leaks and limits on cost recovery from ratepayers; and

(2) that may create barriers for entities to conduct work to repair and replace leaking natural gas pipelines or distribution systems.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress and the Pipeline and Hazardous Materials Safety Administration a report summarizing the findings of the review conducted under subsection (a) and making recommendations on Federal or State policies or best practices that may improve safety by accelerating the repair and replacement of natural gas pipelines or systems that are leaking or releasing natural gas, including policies within the jurisdiction of the Pipeline and Hazardous Materials Safety Administration. The report shall consider the potential impact, including potential savings, of the implementation of its recommendations on ratepayers or end users of the natural gas pipeline system.

(c) CONSIDERATION OF RECOMMENDATIONS.—If the Comptroller General makes recommendations in the report submitted under subsection (a) on Federal or State policies or best practices within the jurisdiction of the Pipeline and Hazardous Materials Safety Administration, the Administrator shall, not later than 90 days after such submission, review such recommendations and report to Congress on the feasibility of implementing such recommendations. If the Administrator determines that the recommendations would significantly improve pipeline safety, the Administrator shall, not later than 180 days after making such determination and in coordination with the heads of other relevant agencies as appropriate, issue regulations, as the Administrator determines appropriate, to implement the recommendations.

## SEC. 24. PROVISION OF RESPONSE PLANS TO APPROPRIATE COMMITTEES OF CONGRESS.

(a) PROVISION OF PLANS.—

(1) IN GENERAL.—Notwithstanding subsection (a)(2) of section 60138 of title 49, United States Code, and subject to paragraph (2), upon the request of the Chairperson or Ranking Member of an appropriate committee of Congress, the Administrator of the Pipeline and Hazardous Materials Safety Administration shall provide the Chairperson or Ranking Member, as applicable, a uniquely identifiable, unredacted copy of an oil response plan under that section.

(2) PROTECTION OF INFORMATION.—Any information subject to exclusion under section 60138(a)(2) of title 49, United States Code, that is provided under paragraph (1) shall be afforded appropriate protection against unauthorized public disclosure, consistent with the rules and practices related to the protection of confidential information received by Congress.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as affecting the provision of any other report, data, or other information to Congress, or its handling thereof.

## SEC. 25. CONSULTATION WITH FERC AS PART OF PRE-FILING PROCEDURES AND PERMITTING PROCESS FOR NEW NATURAL GAS PIPELINE INFRASTRUCTURE.

Where appropriate, the Administrator of the Pipeline and Hazardous Materials Safety Administration shall consult with the Federal Energy Regulatory Commission during its pre-filing procedures and permitting process for new natural gas pipeline infrastructure to ensure the protection of people and the environment from the potential risks of hazardous materials transportation by pipeline.

## SEC. 26. MAINTENANCE OF EFFORT.

Section 60107(b) is amended to read as follows:

“(b) PAYMENTS.—After notifying and consulting with a State authority, the Secretary may withhold any part of a payment when the Secretary decides that the authority is not carrying out satisfactorily a safety program or not acting satisfactorily as an agent. The Secretary may pay an authority under this section only when the authority ensures the Secretary that it will provide the remaining costs of a safety program, except when the Secretary waives this requirement.”.

## SEC. 27. ALISO CANYON NATURAL GAS LEAK TASK FORCE.

(a) ESTABLISHMENT OF TASK FORCE.—Not later than 15 days after the date of enactment of this Act, the Secretary of Energy shall lead and establish an Aliso Canyon Task Force (referred to in this section as the “task force”).

(b) MEMBERSHIP OF TASK FORCE.—In addition to the Secretary, the task force shall be composed of—

(1) 1 representative from the Pipeline and Hazardous Materials Safety Administration;  
(2) 1 representative from the Department of Health and Human Services;  
(3) 1 representative from the Environmental Protection Agency;  
(4) 1 representative from the Department of the Interior;  
(5) 1 representative from the Department of Commerce; and  
(6) 1 representative from the Federal Energy Regulatory Commission.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the task force shall submit a final report that contains the information described in paragraph (2) to—

(A) the Committee on Energy and Natural Resources of the Senate;  
(B) the Committee on Natural Resources of the House of Representatives;  
(C) the Committee on Environment and Public Works of the Senate;  
(D) the Committee on Transportation and Infrastructure of the House of Representatives;  
(E) the Committee on Commerce, Science, and Transportation of the Senate;  
(F) the Committee on Energy and Commerce of the House of Representatives;  
(G) the Committee on Health, Education, Labor, and Pensions of the Senate;  
(H) the Committee on Education and the Workforce of the House of Representatives;  
(I) the President; and  
(J) relevant Federal and State agencies.

(2) INFORMATION INCLUDED.—The report submitted under paragraph (1) shall include, at a minimum—

(A) an analysis and conclusion of the cause and contributing factors of the Aliso Canyon natural gas leak;

(B) an analysis of measures taken to stop the natural gas leak, with an immediate focus on other, more effective measures that could be taken;

(C) an assessment of the impact of the natural gas leak on health, safety, the environment, and the economy of the residents and property surrounding Aliso Canyon, on wholesale and retail electricity prices, and on the reliability of the bulk-power system;

(D) an analysis of how Federal, State, and local agencies responded to the natural gas leak;

(E) in order to lessen the negative impacts of natural gas leaks from underground storage facilities, recommendations on how to improve—

(i) the response to a future leak; and

(ii) coordination between all appropriate Federal, State, and local agencies in the response to the Aliso Canyon natural gas leak and future natural gas leaks;

(F) an analysis of the potential for a similar natural gas leak to occur at other underground natural gas storage facilities in the United States;

(G) recommendations on how to prevent any future natural gas leaks;

(H) recommendations on whether to continue operations at Aliso Canyon and other underground storage facilities in close proximity to residential populations based on an assessment of the risk of a future natural gas leak; and

(I) a recommendation on information that is not currently collected but that would be in the public interest to collect and distribute to agencies and institutions for the continued study and monitoring of natural gas storage infrastructure in the United States.

(3) PUBLICATION.—The final report under paragraph (1) shall be made available to the public in an electronically accessible format.

(4) FINDINGS.—If, before the final report is submitted under paragraph (1), the task force finds methods to solve the natural gas leak at Aliso Canyon, finds methods to better protect the affected communities, or finds methods to help prevent other leaks, the task force shall immediately submit such findings to the entities described in subparagraphs (A) through (J) of paragraph (1).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 3, 2016, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on March 3, 2016, at 10 a.m., in room SR-253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Re-

sources be authorized to meet during the session of the Senate on March 3, 2016, at 9:45 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FINANCE

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on March 3, 2016, at 10 a.m., in room SD-215 of the Dirksen Senate Office Building, to conduct a hearing entitled “Free Trade Agreement Implementation: Lessons from the Past.”

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on March 3, 2016, at 10 a.m., to conduct a hearing entitled “The Path Forward in Libya.”

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on March 3, 2016, at 10 a.m., to conduct a hearing entitled “Dogs of DHS: How Canine Programs Contribute to Homeland Security.”

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on March 3, 2016, at 10 a.m., in room 428A of the Russell Senate Office Building to conduct a hearing entitled “The Impacts of Federal Fisheries Management on Small Businesses.”

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON VETERANS' AFFAIRS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on March 3, 2016, at 10 a.m., in room 345 of the Cannon House Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SELECT COMMITTEE ON INTELLIGENCE

Mr. CORNYN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 3, 2016, at 2 p.m., in room SH-219 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON SECURITIES, INSURANCE, AND INVESTMENT

Mr. CORNYN. Mr. President, I ask unanimous consent that the Com-

mittee on Banking, Housing, and Urban Affairs Subcommittee on Securities, Insurance, and Investment be authorized to meet during the session of the Senate on March 3, 2016, to conduct a hearing entitled “Regulatory Reforms To Improve Equity Market Structure.”

The PRESIDING OFFICER. Without objection, it is so ordered.

## SAFE PIPES ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 370, S. 2276.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2276) to amend title 49, United States Code, to provide enhanced safety in pipeline transportation, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

### SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Securing America’s Future Energy: Protecting our Infrastructure of Pipelines and Enhancing Safety Act” or the “SAFE PIPES Act”.

(b) REFERENCES TO TITLE 49, UNITED STATES CODE.—Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- Sec. 1. Short title; references; table of contents.
- Sec. 2. Authorization of appropriations.
- Sec. 3. Regulatory updates.
- Sec. 4. Hazardous materials identification numbers.
- Sec. 5. Statutory preference.
- Sec. 6. Natural gas integrity management review.
- Sec. 7. Hazardous liquid integrity management review.
- Sec. 8. Technical safety standards committees.
- Sec. 9. Inspection report information.
- Sec. 10. Pipeline odorization study.
- Sec. 11. Improving damage prevention technology.
- Sec. 12. Workforce of Pipeline and Hazardous Materials Safety Administration.
- Sec. 13. Research and development.
- Sec. 14. Information sharing system.
- Sec. 15. Nationwide integrated pipeline safety regulatory database.
- Sec. 16. Underground natural gas storage facilities.
- Sec. 17. Joint inspection and oversight.
- Sec. 18. Response plans.
- Sec. 19. High consequence areas.
- Sec. 20. Surface transportation security review.
- Sec. 21. Small scale liquefied natural gas facilities.
- Sec. 22. Report on natural gas leak reporting.
- Sec. 23. Comptroller General review of State policies relating to natural gas leaks.
- Sec. 24. Provision of pipeline oil spill response plans to congressional committees.
- Sec. 25. Consultation with FERC as part of pre-filing procedures and permitting process for new natural gas pipeline infrastructure.